



Water Quality NewsFlash

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Newport Bay TMDL – Slow pace challenged by environmental groups –

TMDLs allocate pollutant loadings to dischargers to “impaired” waterways. These allocations generally represent reductions from the current loading. Most TMDLs are adopted by states, then approved by U.S. EPA. EPA also establishes TMDLs in some cases, particularly if required to do so by court action. In 2002, in response to an 1996 lawsuit, EPA issued the *Toxics TMDL for San Diego Creek/Newport Bay*. This TMDL covers 14 different constituents, including several currently used and banned pesticides, copper and other metals, and PCBs. The TMDL provides for substantial reductions in pollutant loadings to the creek and bay. Unlike State-issued TMDLs, EPA TMDLs are not required to include an implementation plan. The Santa Ana Regional Board is preparing the corresponding state TMDLs but has decided to issue five separate constituent and geographically specific TMDLs. When adopted, these State TMDLs will supercede the EPA TMDL. The state TMDLs will include implementation measures which results in a more involved and lengthy adoption process.

Recently, two environmental groups petitioned the Santa Board to speed up the process and implement the EPA standards by July 30. The groups decided to pursue the petition because of the recent news on fish contamination in the Bay (see next *NewsFlash* item). A representative stated, “I never dreamed it would take this long, the way it looks, it might still be years before anything is done.” If the petition is not granted, the groups may appeal to the State Board and then go to court.

More info on the Newport Bay TMDLs: http://www.ocwatersheds.com/watersheds/tmdls_toxics_intro.asp
The EPA TMDL is posted at: <http://www.epa.gov/region09/water/tmdl/nbay/summary0602.pdf> Article
(requires registration/fee): <http://www.latimes.com/news/local/la-me-toxic11apr11.1.813997.story>

Newport Bay – Pollutants in fish – The Orange County Health Care Agency has issued a news release advising residents of elevated levels of polychlorinated biphenyls (PCBs) and DDT (a banned pesticide) in several types of fish in the Bay. Elevated pollutant levels in fish can lead to the waterway being placed on the 303(d) list of impaired waters. TMDLs, which allocate pollutant loading, must be prepared for these waterways.

<http://www.ochealthinfo.com/newsrels/2004/0401nr.htm>

404 Dredge and Fill Permits – Coverage of ditches – The Army Corps of Engineers office covering Oregon and Washington has reached a settlement with the National Wildlife Federation and agreed that the Clean Water Act Section 404 (dredge and fill) requirements apply in certain cases to irrigation canals and drainage ditches connected to navigable or interstate waterways. Corps HQ staff has indicated that this approach will be used nationwide. The new policy settles issues caused by the Supreme Court “SWANCC decision” which removed “isolated” waterways from coverage under section 404. Article:

http://seattletimes.nwsources.com/html/localnews/2001899261_wetlands09.html

WQ NewsFlash is a weekly update of storm water and related news for the Department. *Verify information before taking action on these bulletins.* Contact Betty Sanchez, Betty_Sanchez@dot.ca.gov (916) 653-2115, or Fred Krieger, (510) 843-7889, fkrieger@msn.com with questions or to be added or deleted from e-mail list. Posted & searchable online at: <http://www.dot.ca.gov/hq/env/stormwater/publicat/newsfax/index.htm>